

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FRANK GARRISON, <i>et al.</i> ,)	
)	
)	
Plaintiffs,)	
)	
v.)	1:22-cv-01895-RLY-TAB
)	
U.S. DEPARTMENT OF EDUCATION,)	
<i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants hereby move to dismiss to dismiss Plaintiffs' amended complaint for lack of subject matter jurisdiction. In support of this motion, Defendants rely upon and incorporate by reference their Brief in Opposition to Plaintiffs' Motions for Temporary Restraining Order and Preliminary Injunction and in Support of Motion to Dismiss, which is filed contemporaneously with the motion.

Dated: October 18, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director

/s/ R. Charlie Merritt
R. CHARLIE MERRITT
Trial Attorney (VA Bar # 89400)
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 616-8098
robert.c.merritt@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2022 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically serve a copy to all counsel of record.

/s/ R. Charlie Merritt
R. Charlie Merritt